

**BEFORE
THE OHIO POWER SITING BOARD**

In the Matter of the Application of)	
Paulding Wind Farm and Paulding)	
Wind Farm III LLC for Amendments)	Case No. 15-2030-EL-BGA
to Their Certificates to Install and)	Case No. 15-2031-EL-BGA
Operate a Wind-Powered Electric)	
Generation Facilities in Paulding County,)	
Ohio.)	

JOINT STIPULATION AND RECOMMENDATION

I. INTRODUCTION

Applicants Paulding Wind Farm LLC and Paulding Wind Farm III LLC (“Joint Applicants”), the Ohio Farm Bureau Federation and the Staff of the Ohio Power Siting Board (“OPSB Staff”), at times collectively referred to as the “Parties,” submit this Joint Stipulation and Recommendation (“Stipulation”) for adoption by the Ohio Power Siting Board (the “Board”). This Stipulation is intended by the Parties to resolve all matters pertinent to the application of Paulding Wind Farm and Paulding Wind Farm III, LLC for amendments to their previously issued certificates in Case Nos. 09-980-EL-BGN and 10-369-EL-BGN.

This Joint Stipulation and Recommendation addresses two applications to amend two certificates of environmental compatibility and public need. The application for Case No. 15-2031-EL-BGA seeks to amend the certificate of environmental compatibility and public need for the Timber Road I Wind Farm. The application for Case No. 15-2030-EL-BGA seeks to amend the certificate of environmental compatibility and public need for Phase II of the Timber Road II Wind Farm. To avoid confusion between the existing Phase I and Phase II of the Timber Road II Wind Farm, this stipulation refers to Phase II of the Timber Road II Wind Farm as the Timber Road III Wind Farm. That reference is used throughout this Stipulation and Recommendation.

Paulding Wind Farm LLC, a wholly-owned subsidiary of EDP Renewables North America LLC (EDPR), has received a certificate to construct a wind-powered electric generation facility. The Timber Road Wind Farm (hereinafter known as the “Timber Road I Wind Farm”) consists of up to thirty-two wind-powered electric turbines, along with access roads, electrical interconnect, up to two meteorological towers, a temporary construction staging area, an operations and maintenance building, and a collector substation (collectively, the “Timber Road I Facility”) to be located in Harrison Township in Paulding County. The original application for a certificate of environmental compatibility and public need was filed on January 13, 2010. The Ohio Power Siting Board (“the Board” or “OPSB”) issued an Opinion, Order and Certificate in Case No. 09-0980-EL-BGN on August 23, 2010 (the “Timber Road I Certificate”).

In Case No. 10-369-EL-BGN, Paulding Wind Farm II LLC, another wholly owned subsidiary of EDPR, received a certificate of environmental compatibility and public need to construct a separate wind-powered electric generation facility (“the Timber Road II Certificate”). The Timber Road II Wind Farm, as approved in the Timber Road II Certificate issued November 18, 2010, consists of up to ninety-eight wind turbines, along with access roads, electrical interconnect, up to three meteorological towers, up to three temporary construction staging/lay down areas, up to two operations and maintenance buildings, a collector substation and an interconnect switching station (collectively the “Timber Road II Facility”) to be located in Benton and Harrison Townships in Paulding County.

On December 29, 2010, Paulding Wind Farm II LLC filed a petition to amend the Timber Road II Wind Farm Certificate. Contemporaneously with the amendment filing, Paulding Wind Farm II LLC and Paulding Wind Farm III LLC filed a joint application to assign thirty-seven of the ninety-eight turbines certificated in Case No. 10-369-EL-BGA to Paulding Wind Farm III

LLC and bifurcate the Timber Road II Certificate into two phases: Phase I to be constructed and operated by Paulding Wind Farm II LLC, and Phase II to be constructed by Paulding Wind Farm III LLC. The Ohio Power Siting Board issued an Order on February 28, 2011 approving the amendment and the application to assign Phase II of the Timber Road I Certificate to Paulding Wind Farm III LLC. Phase I of the Timber Road II Certificate (fifty-five turbines) was constructed and became fully operational on July 15, 2011.

Through these amendment applications in Case Nos. 15-2030-EL-BGA and 15-2031-EL-BGA, the Joint Applicants proposed minor changes to the approved designs for the Timber Road I Wind Farm, and Paulding Wind Farm III LLC proposed minor changes to the approved design for the Timber Road III Wind Farm. The changes to the Timber Road I Wind Farm include: (1) approval to deliver electricity from the project to a different point of interconnect with the regional transmission grid; (2) the option to use an additional turbine model; (3) approval to relocate the collector substation; and (4) approval to modify the access road and collection line system design. In addition, through their application, the Joint Applicants gave notice of the elimination of seven approved turbine sites from consideration. Likewise, the changes to the Timber Road III Wind Farm include: (1) approval to deliver the electricity from the Phase II project to a different point of interconnect with the regional transmission grid; (2) the option to use an additional turbine model; (3) approval to share the Timber Road I collection substation, at the new location for the Timber Road I substation; and (4) approval to modify the access road and the collection line system design. In addition, through this joint application, Paulding Wind Farm III LLC gives notice of the elimination of two turbine sites.

With regard to the approved Timber Road I facility, the Joint Applicants are proposing to eliminate seven turbine sites and modify twelve access road locations (eliminating four, adding

seven, and shifting the location of one) and nineteen collection line locations (eliminating seven, adding two, and shifting the location of ten). The Joint Applicants are also proposing to relocate the approved Timber Road I project collector substation onto a parcel centrally located to both the Timber Road I Wind Farm and the Timber Road III Wind Farm.

With regard to the Timber Road III Facility, Paulding Wind Farm III LLC is proposing to eliminate two turbine sites, and modify thirteen access road locations (eliminating three, adding five, and shifting the location of five) and twenty seven collection line locations (eliminating four, adding six, and shifting the location of seventeen). Paulding Wind Farm III LLC proposes to make these changes in order to reduce environmental impacts, provide additional options during construction, and respond to landowner requests. Paulding Wind Farm III LLC also proposes to collect electricity at the same location as the relocated Timber Road I Wind Farm collection substation (in other words, one substation will be used for both the Timber Road III Wind Farm and the Timber Road I Wind Farm).

One collector substation will be used for both Timber Road I Wind Farm and the Timber Road III Wind Farm.

New noise and shadow flicker models were run and were presented in these applications to ensure that potential impacts to these residences should not change substantially from what was discussed in the original applications and approved by the Ohio Power Siting Board. Relocated access roads, collection lines and the collector substation are located completely in active agricultural lands.

Given the above proposed changes, the Joint Applicants submitted the Timber Road I amendment application to the Ohio Power Siting Board for its review and approval of the design changes. Likewise, Paulding Wind Farm III LLC submitted the Phase I Timber Road II

amendment application to the Ohio Power Siting Board for its review and approval of the design changes. The Joint Applicants have stated that they will continue to adhere to the conditions of the Timber Road I Certificate issued August 23, 2010 in Case No. 09-980-EL-BGN and that Paulding Wind Farm III will continue to adhere to the conditions of the Timber Road II Certificate issued on November 18, 2010 in Case No. 10-369-EL-BGN, as amended on February 28, 2011 in Case No. 10-3128-EL-BGA. In addition, the parties have agreed that the decommissioning condition issued for the Timber Road II Wind Farm (Case No. 10-369-EL-BGN) – condition 52 – will replace the decommissioning condition issued for the Timber Road I Wind Farm (Case No. 09-980-EL-BGN) – condition 47, respectively.

The Staff filed a combined investigative report (Staff Report) for both Case Nos. 15-2030 and 15-2031 on March 23, 2016. In its Report, the Staff stated it had reviewed the applications and noted that the applicants have proposed: (a) changes to access roads; (b) changes to collection lines; (c) establishing a new transmission line interconnection point; (d) adding the Gamesa G114 turbine model to the list of approved turbine models for the two projects; (e) the removal of four specific previously approved Timber Road I turbine locations and one specific previously approved Timber Road III turbine location; (f) notice that four turbine sites previously approved for both projects will be dropped by one but exclusively retained by the other of the two projects; (g) a proposed relocation of the collector substation serving both projects; and (h) increasing the combined facility output by 0.8 MW.

On April 6, 2016, the Administrative Law Judge issued an Entry finding that the following four proposed changes be subject to a hearing: (a) the proposed modification of access roads; (b) the proposed modification of collection lines; (c) the proposed relocation of the

collector substation; and (d) establishing the proposed new transmission line interconnection point.

The Entry established a hearing date of April 28, 2016 at 11:00 AM at the offices of the Commission in Hearing Room 11-D.

On December 21, 2015, the Ohio Farm Bureau Federation filed a motion to intervene in this case. On January 28, 2016, the Campaign for American Affordable and Reliable Energy, LLC (CAARE) filed a petition for leave to intervene in both cases. The April 6, 2016 Administrative Law Judge Entry granted the motion to intervene of the Ohio Farm Bureau Federation but denied CAARE's petition to intervene.

This Stipulation results from discussions between the Parties who acknowledge that this agreement is amply supported by the record and thus is entitled to careful consideration by the Board. Accordingly, the Parties recommend that the Board issue an Order approving both applications subject to the Stipulated Conditions in Section II as designated for the applicable certificate.

II. STIPULATED CONDITIONS

A. Certificate Conditions

- (1) The Applicants shall continue to adhere to all conditions of the opinions, orders and certificates issued in Case Nos. 09-980-EL-BGN, 10-369-EL-BGN, and 10-3128-EL-BGA, for the respective cases, as modified with the addition of the Gamesa G114 turbine model to be added as an acceptable turbine model and including the increased facility nameplate capacity and the modifications of the collector substation, access roads, interconnection point, and collection lines. In addition, the decommissioning condition issued for the Timber Road II Wind Farm (Case No. 10-369-EL-BGN) – condition 52 – replaces the decommissioning condition issued for the Timber Road I Wind Farm (Case No. 09-980-EL-BGN – conditions 47, respectively.

Condition 47 for the Timber Road I Wind Farm is to be replaced with the following language:

- (47) That the Applicant, facility owner, and facility operator shall comply with the following conditions regarding decommissioning:
- a. That the Applicant, facility owner, or facility operator shall provide the current draft of the decommissioning plan to OPSB Staff and the Paulding County Engineer for review, and for OPSB Staff approval, at least seven (7) days prior to the pre-construction conference. The plan shall:
 - (i) Indicate the future use that is proposed to be made of the land following reclamation,
 - (ii) Describe the following: engineering techniques proposed to be used in decommissioning and reclamation and a description of the major equipment; a plan for the control of surface water drainage and of water accumulation; and a plan, where appropriate, for backfilling, soil stabilization, compacting, and grading.
 - (iii) Describe how the facility owner or facility operator will implement best management practices to control impacts to surface or ground water resources. If necessary, the facility owner, or facility operator will obtain permits from the Ohio EPA and/or the U.S. Army Corps of Engineers.
 - (iv) Provide a detailed timetable for the accomplishment of each major step in the decommissioning plan, including the steps to be taken to comply with applicable air and water quality laws and regulations and any applicable health and safety standards in effect as of the date of submittal.
 - b. That the facility owner or operator shall file a revised decommissioning plan every five years from the commencement of construction with the OPSB Staff and the Paulding County Engineer reflecting advancements in either the engineering techniques or reclamation equipment and standards. The revised plan shall apply for purposes of the five-year decommissioning cost estimates. The decommissioning plan and any revisions shall be reviewed and approved by the OPSB Staff prior to its implementation.
 - c. That the facility owner and/or facility operator shall, at its expense, complete decommissioning of the facility, or individual wind turbines, within (12) twelve months after the end of the useful life of the facility or individual wind turbines. If no electricity is generated for a continuous period of twelve (12) months, or if the Board deems the facility or turbine to be in a state of disrepair warranting decommissioning, the wind energy facility or individual wind turbines will be presumed to have reached the end of its useful life. The Board may extend the useful life period for the wind energy facility or individual turbines for good cause as shown by the facility owner and/or facility operator.
 - d. That decommissioning shall include the removal of all physical material pertaining to the facility to a depth of at least thirty-six (36) inches beneath the soil surface and restoration of the disturbed area to substantially the same physical condition that existed before erection of the facility. The foundation for each wind turbine shall be removed to the

depth of thirty-six (36) inches or to the top of the foundation spread footing, whichever depth is greater. Decommissioning shall include the removal and transportation of the wind turbines off-site; and removal of buildings, cabling, electrical components, access roads, and any other associated facilities with the exception of the project substation, unless otherwise mutually agreed upon by the facility owner or facility operator, and the landowner. Disturbed earth shall be re-graded, re-seeded, and restored to substantially the same physical condition that existed immediately before erection of the facility. Damaged field tile systems shall be repaired to at least original conditions.

- e. That if the facility owner and/or facility operator of the proposed facility does not complete decommissioning within the period prescribed in these conditions, the Board may take action as necessary to complete decommissioning, including requiring forfeiture of the surety bond or financial securities posted pursuant to this paragraph. Should the Board assume the responsibility of completing decommissioning due to a failure of the facility owner or facility operator to decommission as required by its certificate, the facility owner and facility operator shall be deemed to have granted to the Board their full authority pursuant to the facility owner's and facility operator's then current agreements with the landowner and their respective heirs, successors and assigns, to take all reasonable actions that may be necessary to implement the decommissioning plan, including the exercise by the Board, the OPSB Staff, and their contractors, of the right of ingress and egress for the purpose of decommissioning the facility.
- f. That the decommissioning funds, surety bond, or financial assurance shall be released by the holder of the funds, bond, or financial assurance when the facility owner or facility operator has demonstrated, and the OPSB Staff concurs, that decommissioning has been satisfactorily completed, or upon written approval of the Board, in order to implement the decommissioning plan.
- g. That during decommissioning, all recyclable materials, salvaged and non-salvaged, shall be recycled to the furthest extent possible. All other non-recyclable waste materials shall be disposed of in accordance with state and federal law.
- h. That the facility owner and/or facility operator shall leave intact any improvements made to the electrical infrastructure, pending approval by the applicable regional transmission organization and interconnection utility.
- i. That subject to approval by OPSB Staff, and seven (7) days prior to the pre-construction conference, an independent, registered Professional Engineer, licensed to practice engineering in the state of Ohio, shall be retained by the Applicant, facility owner, or facility operator to estimate the total cost of decommissioning in current dollars, without regard to salvage value of the equipment. Said estimate shall include: (1) an identification and analysis of the activities necessary to implement the most recent approved decommissioning plan including, but not limited to, physical construction and demolition costs assuming good industry practice and based on ODOT's Procedure for Budget Estimating and RS Means material and labor cost indices or any other publication or guidelines approved by OPSB Staff; (2) the cost to perform each of the activities; (3) an amount to cover contingency costs, not to exceed 10 percent of the above calculated

reclamation cost. Said estimate will be converted to a per-turbine basis (the "Decommissioning Costs") and shall be submitted for OPSB Staff review and approval seven (7) days prior to the commencement of construction.¹ This estimate shall be conducted every five years by the facility owner and/or facility operator. Upon approval by OPSB Staff, the revised Decommissioning Costs estimate shall be the basis for setting the amount of the required decommissioning fund, surety bond, or financial assurance.

- j. The facility owner or facility operator shall post and maintain for decommissioning, at its election, funds, a surety bond, or financial assurance in an amount equal to the aggregate of the Decommissioning Costs on a per-turbine basis. The funds, surety bond, or financial assurance for decommissioning must be posted for each turbine no later than the commencement of construction of the turbine foundation. The fund, surety bond or financial assurance need not be posted on an individual turbine basis, but reflect the aggregate of the Decommissioning Costs for each turbine no later than the commencement of construction of the turbine foundation.² The form of financial assurance or surety bond shall be a financial instrument mutually agreed upon by OPSB Staff, the Applicant, the facility owner, or the facility operator. The financial assurance shall ensure the faithful performance of all requirements and reclamation conditions of the most recently filed and approved decommissioning and reclamation plan. The financial assurance or surety bond shall provide the Board the authority to call upon the financial assurance or surety bond should the facility owner and facility operator fail to fulfill decommissioning as required by this certificate. To that end, the facility owner and/or facility operator shall designate the CEO of the OPSB as a beneficiary with authority to apply for the financial assurance or surety bond on its behalf or on behalf of the landowners hosting components of the facility should the facility owner and facility operator fail to timely comply with an order to decommission in accordance with the terms and conditions of this certificate. At least thirty (30) days prior to the pre-construction conference, the Applicant, the facility owner, or the facility operator shall provide an estimated timeline for the posting of decommissioning funds based on the construction schedule for each turbine. Prior to commencement of construction, the Applicant, the facility owner, or the facility operator shall provide a statement from the holder of the financial assurance demonstrating that adequate funds have been posted for the scheduled construction. Once the financial assurance is provided, the facility owner or facility operator shall maintain such funds or assurance throughout the remainder of the applicable term and shall adjust the amount of the assurance, if necessary, to offset any increase or decrease in the Decommissioning Costs.

- (2) For Timber Road III, if pre-construction acoustic modeling indicates a facility contribution that exceeds the facility area nighttime L_{EQ} (40 dBA) by greater than five dBA at the exterior of any non-participating residences within one mile of the

¹ The calculation of the Decommissioning Costs to be on a per-turbine basis shall consist of the ratio of the total cost of decommissioning of all facilities as estimated by the Professional Engineer divided by the number of authorized turbines.

² Thus, if on January 1st construction commences for five turbines, the decommissioning funds, surety bond, or financial assurance must total at least enough money to provide for the decommissioning of five turbines in accordance with the then current Decommissioning Costs estimate. If on July 1st the facility owner or operator commences construction of seven additional turbines, then the decommissioning funds, surety bond, or financial assurance must total at least enough money to provide for the decommissioning of 12 turbines and associated facilities in accordance with the then current Decommissioning Costs estimate.

facility boundary, the project shall be subject to further study of the potential impact and possible mitigation prior to construction. Mitigation, if required, shall consist of either reducing the impact so that the project contributions does not exceed the facility ambient nighttime L_{EQ} (40 dBA) by greater than five dBA, or other means of mitigation approved by Staff and Paulding Wind III in consultation with the affected receptor(s).

- (3) After commencing of commercial operation of Timber Road III, Paulding Wind III shall conduct further review of the impact and possible mitigation of all facility noise complaints. Mitigation shall be required if the facility contribution at the exterior of any non-participating residences within one mile of the facility boundary exceeds the greater of: (1) the project ambient nighttime L_{EQ} (40 dBA) plus five dBA, or (2) the validly measured ambient L_{EQ} at the location of the complaint and during the same time of day or night at that identified in the complaint plus five dBA. Mitigation, if required, shall consist of either reducing the impacts so that the project contribution does not exceed the greater of: (1) the project ambient nighttime L_{EQ} (40 dBA) plus five dBA, or (2) the validly measured ambient L_{EQ} plus five dBA, or other means of mitigation approved by Staff and the Applicant in consultation with the affected receptor(s).

B. Other Terms and Conditions

(1) This Stipulation is expressly conditioned upon its acceptance by the Board without material modification. In the event the Board rejects or materially modifies all or part of this Stipulation or imposes additional conditions or requirements upon the Parties, each party shall have the right, within thirty (30) days of the Board's order, to file an application for rehearing with the Board. Upon rehearing by the Board, each party shall have the right, within ten (10) days of the Board's order on rehearing, to file a notice of termination of, and withdrawal from, the Stipulation. Upon notice of termination and withdrawal of the Stipulation by any party, pursuant to the above provisions, the Stipulation shall immediately become null and void. In such an event, a hearing shall go forward, and the Parties shall be afforded the opportunity to present evidence through witnesses, to cross-examine all witnesses, to present rebuttal testimony, and to file briefs on all issues.

(2) The Parties agree and recognize that this Stipulation has been entered into only for the purpose of this proceeding. Each party agrees not to assert against another party in any proceeding before the Board or any court, other than in a proceeding to enforce the terms of this Stipulation, that party's participation in this Stipulation as support for any particular position on any issue. Each party further agrees that it will not use this Stipulation as factual or legal precedent on any issue. The Parties request that the Board recognize that its use of this Stipulation in any proceeding other than this proceeding is contrary to the intentions of the parties in entering into this Stipulation.

III. FINDINGS

The Parties agree that the record in this case, provided the Board approves the conditions in this Stipulation, contains sufficient probative evidence for the Board to find and determine, as Findings of Fact and Conclusions of Law, that:

A. Findings of Fact

- (1) Paulding Wind Farm LLC and Paulding Wind Farm III LLC are wholly-owned subsidiaries of EDP Renewables North America, LLC and are licensed to do business in the State of Ohio.
- (2) Timber Road I and Timber Road III Wind Farms qualify as major utility facilities as defined in 4906.01(B)(1) of the Ohio Revised Code.
- (3) The Joint Applicants filed their Applications to Amend on December 9, 2015. The Joint Applicants also filed notice of proof of service on December 9, 2015.
- (4) On December 21, 2015, the Ohio Farm Bureau Federation filed a motion to intervene in these cases.
- (5) On January 8, 2016, the Joint Applicants filed an affidavit and a newspaper tear sheet indicating that “Notice of Amendments to Major Utility Facilities” was published on December 30, 2015 in *The Paulding Progress*, a newspaper of general circulation in Paulding County, Ohio.
- (6) On January 19, 2016, the Joint Applicants filed a letter rescinding their request for tree clearing.
- (7) On January 28, 2016, the Campaign for American Affordable and Reliable Energy (CAARE) filed a motion to intervene in these cases. A memorandum contra was filed by the Joint Applicants on February 9, 2016 and CAARE filed its reply on February 16, 2016.
- (8) On February 17, 2016, the Joint Applicants filed a supplement to their applications. These supplements included Figures 05-4, 08-1, and 08-3. An officer’s affidavit for the supplement as well as proof of service of the supplement were filed on February 17 and February 18, 2016, respectively.
- (9) On March 23, 2016, the Staff Report of Investigation was filed.
- (10) On April 6, 2016, the Administrative Law Judge issued an Entry granting the motion to intervene of the Ohio Farm Bureau Federation, denying the motion to intervene of CAARE, scheduling a deadline for the filing of all direct testimony

by April 22, 2016 and scheduling a hearing to commence on April 28, 2016 at 11:00 AM at the offices of the Public Utilities Commission of Ohio, Hearing Room 11-D.

- (11) An adjudicatory hearing was scheduled and held on April 28, 2016 in Columbus, Ohio.
- (12) The basis of need requirement in Section 4906.10(A)(1) of the Ohio Revised Code is inapplicable to this project.
- (13) Adequate data on the project has been provided to determine the nature of the probable environmental impact of the proposed additional turbine model and the modification to the non-turbine associated facilities as required by Section 4906.10(A)(2) of the Ohio Revised Code.
- (14) Adequate data has been provided to determine that the proposed additional turbine model and the modification to the non-turbine associated facilities described in the Amendment Applications represent the minimum adverse environmental impact considering the available technology and nature and economics of the various alternatives, and other pertinent considerations as required by Section 4906.10(A)(3) of the Ohio Revised Code.
- (15) Adequate data on the project has been provided to determine that the proposed additional turbine model and the modification to the non-turbine associated facilities is consistent with regional plans for expansion of the electric power grid of the electric systems serving the State of Ohio and interconnected utility systems and that the proposed additional turbine model and the modification to the non-turbine associated facilities will serve the interests of electric system economy and reliability, and the requirements of Section 4906.10(A)(4) of the Ohio Revised Code are met.
- (16) Adequate data on the project has been provided to determine that the proposed additional turbine model and the modification to the non-turbine associated facilities will either comply with or are not subject to, the requirements in the Ohio Revised Code regarding air and water pollution control, withdrawal of waters of the state, solid and hazardous waste, and air navigation, in all regulations thereunder as required by Section 4906.10(A)(5) of the Ohio Revised Code.
- (17) Adequate data on the project has been provided to determine that the proposed additional turbine model and the modifications to the non-turbine associated facilities will serve the public interest, convenience and necessity, as required by Section 4906.10(A)(6) of the Ohio Revised Code.
- (18) Adequate data on the project has been provided to determine what the impact of the proposed additional turbine model and the modifications to the non-turbine

associated facilities will be on the viability as agricultural land of any land in an existing agricultural district established under Chapter 929 of the Ohio Revised Code, as required by Section 4906.10(A)(7) of the Ohio Revised Code.

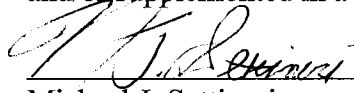
- (19) Adequate data on the project has been provided to determine that the proposed additional turbine model and the modifications to the non-turbine associated facilities as proposed incorporate maximum feasible water conservation practices considering available technology and the nature and economics of the various alternatives as required by Section 4906.10(A)(8) of the Ohio Revised Code.
- (20) The record evidence in these matters provides sufficient factual data to enable the Board to make an informed decision.

B. Conclusions of Law

- (1) Paulding Wind Farm LLC and Paulding Wind Farm III LLC are a “persons” under Section 4906.01(A) of the Ohio Revised Code.
- (2) The proposed amendments to the Timber Road I and Timber Road III Wind Farms are major utility facilities as defined in Section 4906.01(B)(1) of the Ohio Revised Code.
- (3) The Applications comply with the requirements of former Chapters 4906-17 and 4906-05 of the Ohio Administrative Code.
- (4) The requirement for the need for the proposed additional turbine model and the modifications to the non-turbine associated facilities under Section 4906.10(A)(1) of the Ohio Revised Code is inapplicable.
- (5) The record establishes the nature of the probable environmental impact from the proposed additional turbine model and the modifications to the non-turbine associated facilities under Section 4906.10(A)(2) of the Ohio Revised Code.
- (6) The record establishes that the proposed additional turbine model and the modifications to the non-turbine associated facilities described in the Applications and supplemental filings, and subject to the conditions in this Stipulation represent the minimum adverse environmental impact, considering the state of available technology and the nature and economics of the various alternatives, and other pertinent considerations under Section 4906.10(A)(3) of the Ohio Revised Code.
- (7) The record establishes that the proposed additional turbine model and the modifications to the non-turbine associated facilities are consistent with regional plans for expansion of the electric power grid of the electric systems serving the State of Ohio and interconnected utility systems, and will serve the interests of electric system economy and reliability as required by Section 4906.10(A)(4) of the Ohio Revised Code.

- (8) The record establishes, as required by Section 4906.10(A)(5) of the Ohio Revised Code, that to the extent that it is applicable, the proposed additional turbine model and the modifications to the non-turbine associated facilities will comply with the requirements in the Ohio Revised Code regarding air and water pollution control, withdrawal of waters of the state, solid and hazardous wastes, air navigation, and all rules and standards adopted under the relevant Chapters of the Ohio Revised Code.
- (9) The record establishes that the proposed additional turbine model and the modifications to the non-turbine associated facilities described in the Applications and subject to the conditions in this Stipulation will serve the public interest, convenience and necessity under Section 4906.10(A)(6) of the Ohio Revised Code.
- (10) The impact of the proposed additional turbine model and the modifications to the non-turbine associated facilities on the viability as agricultural land of any land in an existing agricultural district has been determined under Section 4906.10(A)(7) of the Ohio Revised Code.
- (11) The record establishes that the proposed additional turbine model and the modifications to the non-turbine associated facilities would incorporate maximum feasible water conservation practices under Section 4906.10(A)(8) of the Ohio Revised Code.
- (12) Based on the record, the Parties recommend that the Board issue an Order on Certificate Amendment to allow for the proposed additional turbine model and the modifications to the non-turbine associated facilities.

The undersigned hereby stipulate, agree and represent that they are authorized to enter into this Joint Stipulation and Recommendation on this 26th day of April, 2016. Furthermore, the parties expressly agree that this Joint Stipulation and Recommendation may be amended and/or supplemented in a writing executed by the Parties.


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APPENDIX A ACRONYMS

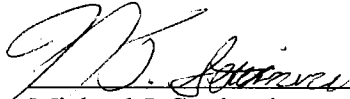
BES Bulk Electric System
BMP best management practices
dBA decibels (A-weighted)
DOW ODNR Division of Wildlife
FAA Federal Aviation Administration
HDD horizontal directional drill(ing)
Hz hertz
kV kilovolts
MW megawatts
NPDES National Pollutant Discharge Elimination System
NRHP National Register of Historic Places
OAC Ohio Administrative Code
ODA Ohio Department of Agriculture
ODSA Ohio Development Services Agency
ODH Ohio Department of Health
ODNR Ohio Department of Natural Resources
ODOT Ohio Department of Transportation
Ohio EPA Ohio Environmental Protection Agency
OHPO Ohio Historic Preservation Office
OPSB Ohio Power Siting Board
ORC Ohio Revised Code
PUCO Public Utilities Commission of Ohio
SPCC Spill Prevention, Containment, and Countermeasure
SWPPP Storm Water Pollution Prevention Plan
USFWS U.S. Fish and Wildlife Service

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing document was served by electronically upon the following persons this 26th day of April, 2016:

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Case No(s). 15-2030-EL-BGA, 15-2031-EL-BGA

Summary: Stipulation Joint Stipulation and Recommendation electronically filed by Mr. Ryan D. Elliott on behalf of Paulding Wind Farm LLC and Paulding Wind Farm III LLC